

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TRACY BAYS, et al.,

Plaintiffs,

-v-

CITY OF FAIRBORN, et al.,

Defendants.

Case No. 3:10-cv-283

Judge Thomas M. Rose

PRELIMINARY INJUNCTION

On July 19, 2010, Plaintiffs Tracy Bays (“Bays”) and Kerrigan Skelly (“Skelly”) filed a Motion for a Preliminary Injunction. (Doc. #2.) On August 19, 2010, this Motion was denied by this Court. (Doc. #20.) Bays and Skelly subsequently appealed the denial of their Motion. (Doc. #23.)

On February 14, 2012, the Sixth Circuit reversed the denial and ordered this Court to enter the Preliminary Injunction. (Doc. #41.) The mandate of the Sixth Circuit issued on March 9, 2012.

Therefore, pursuant to the Order of the Sixth Circuit Court of Appeals, Defendants City of Fairborn, Peter Bales, individually and in his official capacity as Parks and Recreation Superintendent for the City of Fairborn, Sergeant Mark Stannard, individually and in his official capacity as Police Officer for the City of Fairborn, and Sergeant Rodney Myers, individually and in his official capacity as Police Officer for the City of Fairborn, and their agents, servants, employees and attorneys are preliminarily enjoined, directly or indirectly, from applying Fairborn’s “solicitation of causes” policy, on its face and as applied, so as to prevent Bays,

Skelly and any other speakers from engaging in protected expression in Community Park during the 2012 Sweet Corn Festival and all other future Sweet Corn Festivals.

DONE and **ORDERED** in Dayton, Ohio this Twelfth Day of March, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record